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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARY JANE BEAUREGARD, and JOHN  
HUGH SMITH,

Plaintiffs,

v.

CLAYTON SAMPSON, an individual;  
ELISHA SAMPSON, an individual;  
ENVYTV, LLC, a Nevada limited liability  
company; and ENVY SOLUTIONS, LLC, a  
Nevada limited liability company

Defendants.

Case No.: 2:20-cv-02123-KJD-DJA

**FIRST STIPULATION AND ORDER  
FOR EXTENSION OF DISCOVERY  
PLAN AND SCHEDULING ORDER**  
[ECF No. 27]

Pursuant to Local Rule 26-1 of the Local Rules of Practice for the United States District Court District of Nevada, counsel for Plaintiffs Mary Jane Beauregard and John Hugh Smith, and Defendants Clayton Sampson, Elisha Sampson and EnvyTV, LLC (collectively the “Parties”) hereby stipulate and jointly request an extension of Scheduling Order deadlines pursuant to LR 26-3.

**1. Good Cause Exists for the Extension.**

Counsel for Parties make this joint stipulation for purposes of extending the initial discovery deadlines so that they can avoid the necessity of motion practice and have additional time to complete discovery and otherwise prepare for trial. This is the first stipulation presented

1 to the Court to extend deadlines in the Scheduling Order. Counsel have conferred throughout the  
2 discovery process with an aim to streamlining the process and complete discovery in a timely  
3 manner, however, documents responsive to Plaintiff's First Request for Production to  
4 Defendants remain to be produced, Plaintiff requires time to review those documents before  
5 retaining experts and or conducting the depositions of the Defendants.  
6

7 A. Discovery Completed. The Parties completed their initial disclosures within the  
8 applicable deadlines. Plaintiff has served its first sets of Request for Admissions, Interrogatories,  
9 and Document Production. Defendants have responded to the requests and interrogatories but  
10 are still in the process of obtaining all documents sought by Plaintiff. The Parties are in the  
11 process of conferring regarding several issues related to the Defendants' responses to Plaintiffs'  
12 Interrogatories and Requests for Admissions and hope to resolve those issues without the  
13 necessity of a motion to compel. Subsequent to Defendant's responses, Plaintiff has served  
14 additional Requests for Document Production, which remain outstanding.  
15

16 B. Discovery Remaining to be Completed. Plaintiff intends to depose Defendants  
17 Clayton Sampson and Elisha Sampson and conduct a 30(b)(6) deposition of Defendant EnvyTV,  
18 LLC. Defendants may seek to depose any experts designated by Plaintiffs. Plaintiff wants to  
19 have document production substantially complete prior to deposing the Defendants. In addition,  
20 Plaintiff and Defendants seek to depose non-party Eddie Freeman, a resident of Massachusetts.  
21 Plaintiff is also in the process of serving one or more document subpoenas to non-parties,  
22 including but not limited to Multisoft Corporation, based in Florida. Depending on information  
23 revealed by documents requested by Plaintiffs that have yet to be produced by the Defendants,  
24 Plaintiff may also seek to add EnvyCares, LLC as a defendant and/or conduct a 30(b)(6)  
25 deposition of this entity. EnvyCares, LLC was recently disclosed to Plaintiffs in Defendants'  
26 responses to Plaintiffs' Interrogatories.  
27  
28

1 C. Reason for Inability to Complete Discovery. Good cause exists to extend discovery as  
2 the Parties have diligently conducted discovery, and counsel has worked together to complete  
3 discovery. However, Plaintiffs are in New Hampshire, Plaintiffs' counsel is in Texas,  
4 Defendants are in California, and Defendant's counsel are in Nevada. While the communication  
5 issues are certainly surmountable, the minor delay in one or two days to respond and  
6 communicate due to time zones has slowly aggregated to increase the time required for  
7 discovery.  
8

9 In addition, Plaintiffs' document requests include requests for information relating to  
10 Defendant EnvyTV, LLC's Affiliate commission structure and the disposition of commissions  
11 generated by the Plaintiffs' respective EnvyTV Affiliate downlines following the termination of  
12 Plaintiffs' respective Affiliate positions. Some, if not all of these documents are held or  
13 administered by third parties, introducing additional delays in obtaining requested documents.  
14

15 The discovery timeframe that was initially set was aggressive. With the increasing scope  
16 of discovery during the process, additional avenues of inquiry have opened that Plaintiff needs to  
17 investigate, including discovery related to EnvyCares, LLC. Accordingly, where the Parties  
18 aggressively set a discovery plan deadlines, when relief from those deadlines is sought in good  
19 faith, justice is served by granting such reasonable extensions. This is the first request to extend  
20 deadlines in the Scheduling Order and the Parties are not seeking to extend deadlines that have  
21 already passed.  
22

23 The extension is requested now for the specific purpose of preventing the requirement of  
24 Plaintiff having to file a motion to compel which may not be necessary and allowing additional  
25 time for Defendants to produce documents requested by Plaintiffs and continue their attempts to  
26 resolve pending discovery issues. If these matters cannot be resolved Plaintiff will proceed with  
27 a Motion to Compel.  
28

D. Proposed Revised Schedule.

- a. **October 9, 2021** (currently July 9, 2021) – FED. R. CIV. P. 26(a)(2) Disclosures (Experts).
- b. **November 9, 2021** (currently August 9, 2021) – FED. R. CIV. P. 26(a)(2) Rebuttal Disclosures (Experts).
- c. **October 9, 2021** (currently July 9, 2021) – Deadline to file non-dispositive motions or motions to compel discovery.
- d. **November 9, 2021** (currently August 8, 2021) – Fact Discovery Cut-Off Date.
- e. **December 7, 2021** (currently September 7, 2021) – Deadline for filing Dispositive Motions.
- f. **December 7, 2021** (currently September 7, 2021) – Expert Discovery Cut-Off Date.
- g. **January 7, 2022** (currently October 7, 2021) – Deadline to file Pretrial Order (If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order).
- h. **January 7, 2022** (currently October 7, 2021) – FED. R. CIV. P. 26(a)(3) Disclosures (LR 26-1(b)(6) – Unless the discovery plan otherwise provides and the court so orders, the disclosures required by FED. R. CIV. P. 26(a)(3) and any objections to them must be included in the joint pretrial order).

1 Dated: July 9, 2021.

2 Respectfully submitted,

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**SAMPSON, AND ENVYTV, LLC**

23 **IT IS SO ORDERED:**

24 

25 **DANIEL J. ALBREGTS**

26 **UNITED STATES MAGISTRATE JUDGE**

27 **DATED:** July 12, 2021